



Attorney Docket No. 58644 (48933)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application: MERRIL, C. R.  
GHANBARI, H

Examiner: A. PRYOR

Serial No. 09/835,537

Group: 1616

Filed: April 16, 2001

For: METHODS OF TREATING PRION DISEASE IN MAMMALS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION AND FEE FOR EXTENSION OF TIME (37 C.F.R. SECTION 1.136(a))**

1. This is a petition for an extension of the time for a total period of three months to file a response to the Office Action dated January 13, 2004.

*NOTE: "Extensions of Time in Patent Cases (Supplement Amendments)--If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

*"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec. 10, 1985 (1061 O.G. 34-35).*

*NOTE: See 37 C.F.R. 1.645 for extensions of time in interference proceedings and 37 C.F.R. 1.550(c) for extensions of time in reexamination proceedings.*

*NOTE: An extension of time under 37 C.F.R. Section 1.136(a)(1) is available unless:*

*"(i) Applicant is notified otherwise in an Office action;*

*"(ii) The reply is a reply brief submitted pursuant to section 1.193(b);*

07/16/2004 HGUTENAI 00000038 09835537

01 FC:2253

475.00 OP

**CERTIFICATE OF EXPRESS MAIL**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee," Express Mail Label No. **EV438991990US** addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 13, 2004.

By:

Donna R. Davis

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475.00 OP

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- "(iii) The reply is a request for an oral hearing submitted pursuant to section 1.194(b);  
 "(iv) The reply is to a decision by the Board of Patent Appeals and Interferences pursuant to section 1.196, section 1.197 or section 1.304; or  
 "(v) The application is involved in an interference declared pursuant to section 1.611."

2. A response in connection with the matter for which this extension is requested:

- ☒ is filed herewith.  
☐ has been filed.

(complete the following, if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 C.F.R. 1.136 and 1.137. To facilitate processing in such a case, the petition for extension of time should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, 1031 O.G. 11-12.

- ☐ The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.

3. Applicant is

- ☐ a small entity. A statement:  
☐ is attached.  
☐ was already filed.

☒ other than a small entity.

4. Calculation of extension fee (37 C.F.R. Section 1.17(a)(1)-(5)):

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input checked="" type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00
<input type="checkbox"/> five months	\$ 2,010.00	\$ 1,005.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ month has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request      \$475.00

5.      Extended period for response

6.      Fee Payment

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986; 1065 O.G. 31-33.*

☐      Attached is a check in the sum of **\$475.00**

☒      Charge Account 04-1105 for any additional extension and/or fee required or credit for any excess fee paid.

☐      Charge fee to Account No. 04-1105. This is a request to charge for any additional extension and/or fee required or credit for any excess fee paid.

A duplicate copy of this petition is attached.

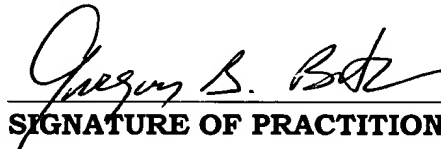
Date: July 13, 2004

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**SIGNATURE OF PRACTITIONER**

Gregory B. Butler, Ph.D., Esq.  
(type or print name of practitioner)

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